

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LARRY SHUCKHART,

Plaintiff,

v.

BNSF RAILWAY COMPANY,

Defendant.

No. CV-06-5057-FVS

ORDER GRANTING MOTION TO
SUBSTITUTE

THIS MATTER having come before the Court based upon Larry Shuckhart's motion to substitute the trustee in bankruptcy, Terry Nealey, as "the party plaintiff in this cause"; Now, therefore

IT IS HEREBY ORDERED:

1. Larry Shuckhart's "Motion to Substitute Trustee in Bankruptcy as Party Plaintiff in Cause of Action" (**Ct. Rec. 45**) is granted in part:

(a) The trustee in bankruptcy, Terry Nealey, is substituted for Larry Shuckhart as the party plaintiff in this action.

(b) The caption of the case will be amended upon entry of this order to reflect the substitution. The parties shall use the amended caption in all future pleadings and papers.

2. The Court reserves ruling with respect to all other issues raised by the substitution of the bankruptcy trustee as the party plaintiff. At least two will arise in the event liability is

1 established: (a) whether the bankruptcy trustee may seek relief
2 beyond the claims filed by creditors in Mr. Shuckhart's bankruptcy
3 case, and (b) whether Mr. Shuckhart may personally pursue or benefit
4 from the claims pending in this action.

5 3. Within seven days, counsel for the plaintiff shall indicate
6 whether the memorandum docketed as court record number 70 was docketed
7 through a computer error.

8 **IT IS SO ORDERED.** The District Court Executive is hereby
9 directed to enter this order and furnish copies to counsel.

10 **DATED** this 16th day of October, 2007.

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12 s/ Fred Van Sickle
Fred Van Sickle
13 United States District Judge
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